

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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NICOLE MUTHARD,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-3387
	:	
PENNSYLVANIA LIQUOR CONTROL	:	
BOARD, SEAN YINGLING, Individually,	:	
and JOSEPH PUHALLA, in his Official	:	
Capacity,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 6<sup>th</sup> day of February, 2024, upon consideration of Defendant Sean Yingling's partial Motion to Dismiss, ECF No. 10, Plaintiff Muthard's response in opposition, ECF No. 12, and Yingling's reply, ECF No. 13, and for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT:**

1. Yingling's Motion to Dismiss, ECF No. 10, is **GRANTED**;
2. Count IV of the Complaint is **DISMISSED WITHOUT PREJUDICE**; and
3. Muthard is granted leave to amend her Complaint to renew the dismissed claim, and if she chooses to do so, the amended complaint must be filed no later than **February 20, 2024**. Failure to timely file an amended complaint will result in dismissal of this claim and Defendant Yingling with prejudice and without further notice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge